

One-hundred forty-fifth meeting
Water and Wastewater Advisory Council
November 2, 2007
Helena, Montana

CALL TO ORDER

The one-hundred forty-fifth meeting of the Water and Wastewater Operator's Advisory Council was called to order at 9:02 a.m. by Joanne "Joni" Hall Emrick, Kalispell, Council Chairperson. Other Council members present included: Roger Skogen and Jon Dilliard. Members available through conference call were: Carol Reifschneider, and Grant Burroughs. Members Tony Porrazzo and Donald Coffman were not present.

Department personnel attending all or portions of the meeting were Jenny Chambers, Operator Certification Program Manager, Reta Therriault, Operator Certification Technician, Lizbeth Geary, Operator Certification Technician, Bill Bahr, Environmental Science Specialist, and Eugene "Gino" Pizzini, PWS Rule Expert.

MINUTES APPROVED

The minutes from the previously-held meeting on June 14, 2007 were unanimously approved, following a motion by Carol Reifschneider and seconded by Roger Skogen.

PWS Update

Jenny Chambers announced she had been back from her temporary mobility assignment since October 2nd. She stated that Eric Urban had done a fine job as the Interim Operator Certification Program Manager for 5 months and that he had accepted another position within DEQ one month prior to her assignment ending. Thus Channah Wells, Fiscal Specialist, and Reta Therriault stepped in for cover. Jenny stated that Fall School was very busy, but it went well overall.

Jenny also updated the Council sharing that Gino Pizzini had accepted a position within PWS as the Rule Expert, Autumn Coleman had been hired as the new Lead and Copper Rule Specialist, and that Shastina Steinweden had left PWS and moved to Fiscal Services. As of the date of the meeting, PWS currently had an opening in Technical Services Section. Jenny also announced that our Billings regional office had hired Karl Carlson as an Environmental Specialist, prior to that he was a county sanitarian in Yellowstone County.

Jenny suggested that for our next meeting we have an updated organization chart and contact numbers.

NEW CERT

Jenny Chambers reported that during the last Legislative Session, the program received spending authority and funding from other Department programs to develop a new certification program for on-site wastewater systems and to re-evaluate the industrial wastewater certification program. Also, during this session, the proposal for the development of a collection wastewater certification program failed, even though there was great support from operators and systems, including Lee Wolfe (small system contract operator).

She stated that the on-site and industrial proposals that received the necessary funding were underway. The development of a Request for Proposal was being developed to get a contractor to assist with the review and development of the new certifications. Copies of the proposal for the additional funding were provided in the Advisory Council meeting folders. Additional funding was received to provide and develop training opportunities for the development of the on-site Wastewater certification.

Jenny also shared that one of the permit writers and inspectors from the Water Protection Bureau is concerned that some of the larger surface water treatment systems that also have a Montana Pollutant Discharge Elimination System Permit might not fully understand and receive training on permit requirements, and that they might not have the necessary training or understanding to meet the permit requirements. This will be explored when reviewing the wastewater treatment certification classifications.

Jenny acknowledged that we will have to figure out categories, do some research and form work groups from people around the area. We would probably ask participation from Smurfit Stone since they are vocal for not having such certification. She also said that we would have to meet often during the next year, so we can consult and get approvals from work groups, and maybe even participate in them. Roger Skogen and Joni Emrick both agreed that being more involved was for the best.

The Council at this time had no further questions regarding this matter.

Exams

Lizbeth Geary provided the Council with statistic recaps of the exam results from Summer Water School 2007 to date. She reported that 83 exams had been administered at Water Schools and 14 exams had been administered In-Office. It was noted that the overall pass rate at Water Schools was 69.88%, whereas the same rate dropped to 57.14% for In-Office exams. Liz noted that two operators that had taken In-Office exams had failed because they did not answer all of the questions provided, whether or not this was accidental.

Joni Emrick pointed out to the Council that the pass rate for Water Treatment exams administered at Fall Water School in Bozeman was very low at 27%. Jon Dilliard asked if this rate was average for Water Treatment examinations. Jenny responded stating this was about 30% lower than normal—it was usually 50-60%. Carol Reifschneider reminded the Council that we had not changed the exams. Jenny added that, however, we had changed the trainer, and that we would give these stats to Shelley Nolan for review. Jenny recalled that at Fall Water School the exam preparation training included a tour to the Bozeman Water Treatment Plant and wondered if perhaps the training was focused more on compliance once operators passed their exam rather than basic pre-exam preparation. It was also noted that training for surface water treatment did not conflict with other trainings at water schools.

The Council proceeded to discuss plausible reasons on why pass rates drop at water schools.

Roger Skogen has heard of operators that test without being fully prepared. He added, “They are there to take the exam but not put much effort into studying.” Bill Bahr seconded this stating there is a need for operators to research further into subjects. For example, many operators come to Exam prep without understanding Nitrification.

Liz stated that there is a misconception about Exam Preparation being supplemental review and that a lot of people see it as schooling that provides everything an operator needs to know from start to finish in order to pass an exam.

Bill asked Carol’s input as an educator. Carol stated that a lot of people do not realize the importance of taking the exam—it is not talked about at the workplace and people just take a

job without knowing what is entailed.

Bill Bahr made a general comment on the exam fail rates. He pointed out that most people who had failed their exams were in the 60 -70 percentile and not dramatically low, meaning they almost made it. He asked if there was anything more we could do to improve and help folks pass.

Jon Dilliard cautioned against making the exams easier and added that we want to encourage operators to study. Joni and Bill agreed and stated the importance of protecting the integrity of the exam.

Jenny proposed developing and handing an after-test survey for about 1 year, asking how many hours operators had in preparing for the exam and what methods/materials they used. She thought that this would be helpful for exposing the amount of time it requires an operator to prepare for an exam. Joni thought this was a great idea and would like to see the results out with study materials during the application process to help operators in their preparation planning. Roger asked if there was any way to match the survey to exam results, so we could track them. Jenny responded that it would be possible if we can get people to answer honestly.

Bill added that if a survey was to be done, he would like more feedback such as what questions gave them trouble for enhancing exam prep, so we knew how we were doing in that area. Joni agreed. Bill pointed out that exam results mastery sheet is too generic and would like more in-depth information.

Reta added that a lot of systems and owners feel that by sending unprepared operators to test drive an exam, it provides them a good exposure to exam. Bill reminded the Council that he gives operators a sample test for exposure during Exam prep. Liz stated that if exposure was needed, we could send out practice exam with study guides during application process; however, Bill thought practice exams varied per classification and could confuse lower class operators.

Grant Burroughs made an observation about holding operators accountable for studying. He added that we were doing what we can to help and make resources available. Bill asked Grant whether or not he felt he had adequate materials

when he tested 5 yrs ago. Grant responded that he in fact did and that the system had a lot of resources as well. The problem was that he did not have time to study. Grant also recalled the system allowing some on-the-clock time for studying. Grant's biggest incentive was that once certified, he was scheduled for a raise. He concluded that operators have many resources and incentives; they just are not taking it seriously. Jenny concluded that operators simply do not study

Carol agreed with this statement and noted that that this responsibility also depended on the type of system and community.

Jenny proceeded to remind the Council that we are supposed to look at exams every 3 years, and that we are due for wastewater exam review. We will develop Industrial exams, then review Wastewater exams, then develop Collection exams, and by then, Water exams should be up for review. Bill asked that he would like to be involved in Industrial exam development.

COMPLIANCE

Jenny Chambers requested a percentage figure for the next Advisory Council compliance report.

Lizbeth Geary reported that since the last meeting, 26 Warning Letters and 12 Violation Letters had been mailed out. She also stated that 2 systems had been sent to Enforcement. Liz explained that in the month of October, 60 systems had come up in the Compliance Report. Of these, 28 were Community systems, 15 were Non-Transient, Non-Community, and 17 were Wastewater systems. Only 4 Violation Letters were mailed out in October 2007. Liz pointed out that the number of non-compliant systems had gone up due to new systems and finding a few systems whose operators' temporary certifications had expired. Bill Bahr asked if people were diligent in turning in their experience vouchers. Jenny responded affirmatively. Jenny also added that, unlike with Water Systems, we are disconnected from SDWIS on the Wastewater side, and that the only way to find these systems are through a Wastewater System Evaluation form, therefore leaving room for systems going unnoticed. Hopefully, we will be able to discover more systems when developing industrial certification.

Gino Pizzini asked if when planning for industrial

certification, we could put a condition on system approval—that they have an operator. Jenny reflected on this but would like to treat them as new system. Bill Bahr noted that smaller systems would not bother informing us.

CEC MEMBERSHIP UPDATE

Reta Therriault reported to the Council the approval of John Camden as the new Continuing Education Credit Review Committee (CECRC) member. She also stated that they had also received a letter of interest from Paul Torak. The next CECRC meeting had been scheduled for November 15, 2007 in Helena, and having not met for quite some time, there was a full agenda with a lot of training provider information to approve and get back on track. This will be Reta's first meeting.

Jenny Chambers added that the Committee had probably not met in over a year due to lack of members, which currently are Carol Reifschneider, Gary Workman, Lee Wolfe, Reta Therriault, Jenny Chambers, and, newly added member, John Camden. She stated that there was an article in a previous Big Sky Clearwater issue about submitting letters of interest for this position. Kevin Kundert, e-Train Online, applied but was denied the position due to conflict of interest because he is currently developing a training CD for the Program and getting paid for it. She reminded the Council that the primary function of the Committee was to review trainers and training materials and that it serves as the advisory to the Advisory Council. The meetings are open if any members want to participate with opinions but not necessarily voting rights. Bill Bahr stated that he wants to participate in these meetings.

Reta noted that the Operator Certification program, along with Gino Pizzini, had met with Kevin Kundert to see how the training CD development was coming along, and she was very impressed with the test product and progress.

RENEWAL UPDATE

Reta Therriault gave a status report on the renewal process. As of November 2, 2007, 1,598 Renewal Notices and 100 Revocation Letters had been issued and mailed out. Our office revoked a total of 65 certificates due to 20 operators not having a system (includes operators choosing different profession), 7 operators moving out-of-state, 7 operators had been employees of Malmstrom Air Force Base, and the rest did not report a reason. Our office inactivated a total of 31 operators that had not renewed their certificates due to 6

operators had moved, 7 operators had passed away, 14 operators had retired, and the rest did not report a reason. The total amount of renewal money received was \$70,530.00.

Jenny Chambers added a comment on the reasons why we inactivated employees of Malmstrom AFB versus revoking their licenses. She said that they might have been deployed and that we might get a few operators coming back from deployment that will want to be reactivated.

Reta concluded her report by stating that out of the renewal process, only four systems had to be reminded they were out of compliance and needed an operator.

REIMBURSEMENT GRANT UPGRADE

Jenny Chambers reminded the Council that the Grant goes through June 30, 2010. She stated that if we continue to spend funds on training such as cds, in-house expenses, guest speakers, and MSU Northern at the rate we are going, we would still have \$750,000 left by the Grant end date. She would like to explore more options on how to spend funds and maximize its benefits. She is looking at development of an RFP to award a contract for training development. Jenny has already completed a Request for Information (RFI) to get feedback from trainings to use towards development of the RFP.

Jenny acknowledged Grant Burroughs's previous point about our Program offering a lot of resources and training opportunities for operators, and asked when it would be enough, since they do not even put the effort into studying. However, she argued that since we had received 1.6 million dollars granted towards this goal, we needed to exhaust all possibilities.

Gino Pizzini asked if there were any conditions on how this money was to be used. Jenny responded saying that it was to be used to in operator training expenses such as buying equipment, training materials, etc. Gino asked if we could create a Trust Fund. Jenny responded stating that the funds could not be used for salaries, and benefits. She did recall similar recipients purchasing travel trailers for mobile training.

Lizbeth Geary inquired about using funds to create an in-house training facility room; however, Jenny replied saying

we would have a hard time keeping it updated, especially if funds will not be available for updating, and that we should use the money right now.

Jenny added that we could send surveys to see what smaller systems needed. She would not mind buying training materials for smaller systems. The Council liked this idea. At this time, Jenny referred the Council to the RFI (Request for Information) draft hand-out. She read the project description which includes (1) Updating PWS summary guides, (2) Developing Quick Rule Guides of Fact Sheet, and (3) Developing exam-preparatory curriculum and too box material. Jenny asked for input and suggestions for update.

Gino Pizzini said he would like a software development that would allow an interactive website walk-through for operators and systems looking to be in compliance for each rule. He said even a simple chart flow would be beneficial.

Joni Emrick asked if there was not one for PWS already. Gino responded saying that there was just a simple monitoring schedule, but that it did not go into details or cover a general how-to. Bill Bahr added that exam prep materials could also be posted on a webpage using PowerPoint and through video.

Jenny affirmed that adding anything computer related would add more complexity to project due to internal and state information technology policies, and that the materials would also have to be ADA (American Disability Act) deliverable through audio and closed caption. Bill asked Jenny what the timeline was for this project. Jenny said she wanted to send these RFIs within a week and needed input now.

Jenny asked if the Council would confirm agreeing to purchase manuals for smaller systems. The Council agreed unanimously.

Lizbeth Geary acknowledged that exposure to the grant was low and that perhaps we needed to market it more. She stated that she found the wording a bit too confusing. Jenny mentioned that the Program had done mass postcard mailings in the past and that we could maybe send another postcard. Jenny made the Council aware that any funds remaining at the end of the Grant deadline would go to SRF

(State Revolving Fund).

Jon Dilliard asked, “What if we used the money for sending manuals with study materials?” Jenny responded saying that she had thought about increasing fees and making this a standard procedure, but we lack in storage space and our postage expenses would increase.

Reta Therriault recalled this process when Shirley Quick was Program Manager.

Gino Pizzini suggested that we could equip local libraries with these manuals. Jenny liked this idea and extended the offer to schools and other educational institutions. Jenny asked the Council to submit any ideas within the next week.

FACILITY LIMIT FOR CONTRACT OPERATORS

Lizbeth Geary presented the Council with a survey previously conducted in other states regarding this matter. She proceeded to present Council member Tony Porrazo’s apologies for not being able to attend the meeting but that he had wanted to share a few points he felt strongly about regarding this subject.

Tony did not think DEQ should regulate a facility limit for operators because rather than benefiting, it would discourage operators and remote systems would have a hard time finding them. He had also stated that if a regulation needed to take place, we should follow the Mississippi guidance and require operators to have a log book which would ideally stay with the system.

Jenny Chambers expressed she may like a rule change that combines several states requirements together (DE, MS, PA) and rather than limiting facility numbers, increase the number of operators needed per system. Jenny recalled a Missoula operator whom she had asked from an update of all systems being operated and how violations would be handled. He had promised to write back requesting certification for his brother as a back-up, but the letter never showed up. Jenny would like a rule that says if violations take place, the system needs to have back-up operators or other operators-in-responsible-charge.

Roger Skogen suggested developing a list of responsibilities for each system and seeing if operators could follow—We could then limit the facility number if operators could not

follow a plan. Bill noted that smaller systems train their Mayors as the back-up operator for emergencies.

Jenny responded that because we do not have anything in the regulations that request a plan or the development of one in order to be in compliance, it would be hard to enforce.

Gino Pizzini suggested getting help from IT and generating a violation report for all contract operators and addressing the number of violations they are allowed not to exceed. Jenny again pointed out that there would need to be a change in regulations in order to enforce.

Carol Reifschneider recommended rewriting the rule to say that if there were violations, operators would be required to report them on an annual basis and that exceeding an allowable number could result in an operator's license revocation. Jenny reminded the Council that the rules stated it was the owner's responsibility to have a knowledgeable operator-in-responsible-charge, and it would not be fair to punish the operator by assessing penalties or revocations; otherwise, we would be discouraging operators from his career. She proceeded to inform that we had enough operators who do not get support from their system so they resign.

Jenny asked the Council's for clarification on definition of a *contract operator*, to which Liz added defining *timely manner* as well.

Gino acknowledged that a contract operator is not an employee of the system. Reta added that a contract operator is not necessarily in responsible charge—they just take samples. Jenny's definition for contract operator was someone who operates a system. And the Council agreed that the system is ultimately responsible for violations, including hiring inept contract operators. The Council also discussed operators in responsible charge of two or more systems.

Jon Dilliard suggested that we should clarify what operator in responsible charge is and the duties involved, so we can enforce penalties when duties are not met. He added that by filling log books and submitting them to the Department, we would potentially see conflicting times and places logged. On the other hand, he asked whether or not we could trust

these logs and their accuracy.

Lizabeth Geary added that it was a great idea and asked who would be assigned to monitoring these logs. Roger Skogen suggested presenting these logs at sanitary surveys.

Jenny suggested having operators present themselves to the Advisory Council Board. Liz asked if perhaps this should be a requirement for all contract operators—to present a plan to the Advisory Council Board. Jenny did not think this was necessary due to having some very responsible contract operators and also did not want to take the time away from their systems. She just wanted to make the public aware that we do enforce and we do revoke when not in compliance.

Jon also suggested designing a points system such as of driver's license. If operators fail to monitor, they get a point, and if x points are accumulated per year, we would inactivate or revoke their licenses. Gino contributed to this idea by saying that we could also reward systems with clean records.

Bill Bahr accepted that the problem lay on how much time an operator was spending at any given system, to which Gino added that some systems did not require that many hours. Bill also suggested to look further into what the State of Mississippi was doing and said that a log book would be beneficial.

Jon Dilliard preferred the State of Ohio. They do not have a facility limit but have rules that require minimum staffing times. This effectively limits the number of facilities an operator can operate. Jenny said she would contact OH for more information on this.

After some more discussion, Jenny Chambers suggested that we should continue to review this and update Council members via e-mail. The Council agreed.

At this time, Bill Bahr proposed an acknowledgement for the records in recognition of Martha Anne Dow who recently passed away. She pioneered the development of Water and Wastewater Associate Degree and Bachelor's Degree at Montana State University in Havre. Although the 4-year degree is no longer available, her contributions to Operator certification will always be appreciated.

EXAM LIMIT

Lizbeth Geary presented the Council a revolving issue previously discussed—limiting the number of exam attempts an operator can have. She presented Tony Porrazo's thoughts on the subject saying that he liked the examples from the States of Illinois and Kansas. IL had a 90-day waiting period between exams, and KS required anyone below a 50% score to attend additional training before re-taking an exam.

Jenny Chambers voiced that she would not want to require operators to go through further training due to cost and location. Gino Pizzini suggested having operators watch our training CD, and though Jenny stated that there was no rule to protect this idea in the future, we could make a rule to state the requirement was either a waiting period or completing the CD. This would give operators more options.

The Council proceeded to discuss protecting the integrity of the exams and how, no matter how much coaching an operator received, sometimes they did not qualify for the job.

Jenny urged the need for having rules to make operators and systems take the exam more seriously, even if the rules stated that operators could not re-take an exam prior to receiving the mastery sheet. A mastery sheet is what operators receive with their results indicating what areas they did well and what need further preparation on. Bill Bahr agreed saying that adding a waiting period would allow operators to review results and restudy.

Jon Dilliard recalled other professions that enforce this such as a sanitation exam. There is a set period to wait for after the first attempt; then one has to wait 6 months or 1 year for further re-examinations. Jenny approved of this idea because it would discourage systems from sending operators to test-drive an exam.

Roger Skogen suggested that we could also raise retake exam fees, but Jon thought it would give room for getting audited. Jenny was in favor of a waiting period, and Roger recommended 90 days.

Jon informed the Council that per MT statutory, we only had to administer these exams once per year, but Joni remarked that this would restrict and/or discourage operators from this profession and would make it harder than it is to find operators, especially for remote areas.

The Council continued to discuss on a proper waiting time to retake an exam, leaning towards waiting until the operator received their results and mastery sheet. This process usually takes 4-6 weeks.

Jon suggested checking with the Labor Licensing Bureau and seeing how they handled these scenarios. He also suggested raising the fees for In-Office exams stating we give plenty opportunities for operators to take exams at Water Schools throughout the year. The Council was also in favor of this idea and agreed to elaborate on solutions during the next meetings.

OTHER ISSUES

Bill Bahr expressed he had to leave the meeting and thanked everyone present since he had not attended Council meetings in a while.

The Council was open for other issues discussions, but no other issues were brought up at this time.

DATE OF NEXT MEETING

Due to RFI, Jenny would like a teleconference scheduled for follow-up, possibly end of January and/or February. She reminded the Council to keep in touch via e-mails. A date of February 1st was suggested for the next meeting. We will confirm and inform of changes.

ADJOURN MEETING

Joni called for a motion to adjourn. Roger made a motion. Grant seconded it; the motion was unanimous, and the meeting was adjourned.